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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,043	10/01/2003	John W. McIntosh	McIntoshProgrammerator	6636
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EXAMINER				
HEFFINGTON, JOHN M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,043

Applicant(s)

MCINTOSH ET AL.

Examiner

JOHN M. HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amended filing of 4 February 2008. Claims 1-7 have been canceled. Claims 8-15 have been amended. Claims 8-15 are pending and have been considered below.

Response to Arguments

1. Applicant's arguments filed 4 February 2008 have been fully considered but they are not persuasive.

The applicant argues that Lok et al. (US 2002/0049530 A1) relies upon two different application programming interface (API) programs. However, Lok discloses that the application programming interface of the remote-capable user interface toolkit is implicitly identical to the application programming interface of the baseline interface toolkit (paragraph 0046).

The applicant argues that each program in Lok must be capable of or be written to interact with a single specific API, which is in contrast to the instant invention wherein "the present inventors have not tried to force any type of compatibility as described "within the present specification." Further, the applicant argues that "the present invention operates through GUI, not through an API or other lower-level system call." These limitations, though described in the specification, are not disclosed within the claims of the present invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7: canceled

4. Claims 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok (US 2002/0049530 A1) in view of Berczik et al. (US 2002/0054104 A1).

Claim 8: Lok discloses a method for using a first computer system to remotely monitor the operation of a second computer system through a graphical user interface of said second computer system, comprising the steps of:

- a. receiving a first graphical element of said second computer system graphical user interface at said (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056);
- b. generating a user input action within said second computer system graphical user interface responsive to said receiving step (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056); and
- c. monitoring said second computer system graphical user interface from said first computer system for an expected second graphical element within a predetermined time interval (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056),

but does not disclose signaling a failure at said first computer system if said predetermined time interval elapses without detecting said expected second graphical element. However, Berczik discloses anticipating an action within a GUI, i.e. anticipating the GUI for a second element within a predetermined time interval, and providing the resources needed to process the action. It would be an error condition if the resources were not provided for the anticipated event. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add signaling a failure at said first computer system if said predetermined time interval elapses without detecting said expected second graphical element to Lok. One could

have been motivated to add signaling a failure at said first computer system if said predetermined time interval elapses without detecting said expected second graphical element to Lok because it would be useful for the remote capable user interface kit in Lok to anticipate the actions of the remote interface to as to be better able to allocate resources and to be able to detect errors when the correct response is not executed.

Claim 10: Lok and Berczik disclose the method of claim 8 and Lok further further discloses the steps of:

- a. providing graphical user interface language extensions commands to a scripting language (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056); and
- b. passing said generated user input action through said graphical user interface language extensions from scripting language processor to a language extensions processor (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056).

Claim 11: Lok and Berczik disclose the method of claim 8 further discloses the steps of:

- a. generating a user input action within said second computer system responsive to said second graphical element (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056);
- b. monitoring said second computer system graphical user interface for an expected third element within a predetermined time interval (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056),

and Berczik further discloses anticipating an action within a GUI, i.e. anticipating the GUI for a second element within a predetermined time interval, and providing the resources needed to process the action. It would be an error condition if the resources were not provided for the anticipated event. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add signaling a failure at a first computer system if said predetermined time interval elapses without detecting said expected third graphical element to Lok and Berczik. One could have been motivated to add signaling a failure at a first computer system if said predetermined time interval elapses without detecting said expected third graphical element Lok and Berczik because it would be useful for the remote capable user interface kit in Lok to anticipate the actions of the remote interface to as to be better able to allocate resources and to be able to detect errors when the correct response is not executed.

5. Claims 9 and 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Lok (US 2002/0049530 A1) in view of Berczik et al. (US 2002/0054104 A1), and further in view of Polk et al. (US 5,634,002).

Claim 9: Lok and Berczik disclose the method of claim 8, but do not disclose

- a. transferring said user input action to a script stored on said first computer system, and
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script.

However, Polk discloses a method that records the user inputs and saves them to a separate file, wherein the recorded inputs are used as a test script later in the testing process (column 1, lines 63-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. transferring said user input action to a script stored on said first computer system, and
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script

to Lok and Berczik. One could have been motivated to add

- a. transferring said user input action to a script stored on said first computer system, and
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script

because

- a. Lok discloses user actions performed on a remote GUI causing messages to be sent to a local computer where the messages are "captured" (paragraphs 0033, 0043),

- b. Lok also discloses that the GUI components that intercept messages from the remote GUI send back responses or render other GUI components (paragraphs 0033, 0043),
- c. Lok further discloses a local interface used to manipulate a remote GUI (paragraph 0054).

Therefore, it would have been convenient to be able to capture user actions at a remote interface to a script file and then manipulate the remote interface from the local interface by re-executing the user actions captured in the script.

Claim 12: Lok and Berczik disclose the method of claim 8 and Lok further discloses the steps of:

- a. depicting said second computer system graphical user interface upon a local display of said first computer system including said first graphical element (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056); and
- b. receiving a local user input action at said first computer system within said local display (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056);

but Lok and Berczik do not disclose said generated user input action emulates said local user input action. However, Polk discloses a method that records the user inputs and saves them to a separate file, wherein the recorded inputs are used as a test script later in the testing process (column 1, lines 63-65), i.e. the script, when executed,

emulates user input action. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add said generated user input action emulates said local user input action to Lok and Berczik. One could have been motivated to add said generated user input action emulates said local user input action to Lok and Berczik because, as the remote interface is manipulated as described in Lok (paragraph 0056), it would have been convenient to be able to execute a script of user commands.

Claim 13: Lok and Berczik disclose the method of claim 8 and Lok further discloses the steps of:

- a. providing graphical user interface language extensions commands to a scripting language (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056),
- b. depicting said computer system graphical user interface upon a local display of said first computer system including said first element (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056),
- c. receiving a local user input action within said local display (paragraph 0035),
- d. passing said generated user input action through said graphical user interface language extensions for reproduction at said second computer system graphical user interface from said scripting language processor to a language extensions processor wherein said generated user input action emulates said local user input action (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056),

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but does not disclose

- a. transferring said user input action to a script stored on said first computer;
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script.

However, Polk discloses a method that records the user inputs and saves them to a separate file, wherein the recorded inputs are used as a test script later in the testing process (column 1, lines 63-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. transferring said user input action to a script stored on said first computer;
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script

to Lok and Berczik. One could have been motivated to add

- a. transferring said user input action to a script stored on said first computer;
- b. re-executing said steps of receiving, generating, monitoring and signaling subsequent to said storing step under control of said stored script

to Lok and Berczik because

- a. Lok discloses user actions performed on a remote GUI causing messages to be sent to a local computer where the messages are "captured" (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056),

- b. Lok also discloses that the GUI components that intercept messages from the remote GUI send back responses or render other GUI components (paragraphs 0033, 0035, 0037, 0043, 0046, 0052, 0056),
- c. Lok further discloses a local interface used to manipulate a remote GUI (paragraph 0054).

Therefore, it would have been convenient to be able to capture user actions at a remote interface to a script file and then manipulate the remote interface from the local interface by re-executing the user actions captured in the script.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok (US 2002/0049530 A1) in view of Polk et al. (US 5,634,002).

Claim 14: Lok discloses a method for enabling a local system to remotely operate a remote computer system through a graphical user interface on said remote computer system by using local scripts that selectively respond to changes in graphical displays upon said graphical user interface of said remote computer system, comprising the steps of (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056, figure 5):

- a. displaying a depiction of said remote system graphical user interface display on said local system and capturing user input effected in said depiction of said remote system graphical user interface display 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056;

- b. image processing said remote computer system graphical displays to detect changes in said graphical display upon said graphical user interface of said remote computer system (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056);
- c. controlling a flow of execution of said local system through a scripting language having scripting commands in combination with said command language set responsive to a detection of changes during said image processing step (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056);
- d. communicating between said local system and said remote computer system graphical user interface through a communication interface responsive to said flow controlling step (paragraphs 0021, 0033, 0035, 0037, 0043, 0046, 0052, 0056, figure 5),

but does not disclose implementing through a local system command language set user input emulations representative of said captured user input at said remote computer system. However, Polk discloses a method that records the user inputs and saves them to a separate file, wherein the recorded inputs are used as a test script later in the testing process (column 1, lines 63-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add disclose implementing through a local system command language set user input emulations representative of said captured user input at said remote computer system to Lok. One could have been motivated to add implementing through a local system command language set user

input emulations representative of said captured user input at said remote computer system to Lok because

- a. Lok discloses user actions performed on a remote GUI causing messages to be sent to a local computer where the messages are "captured" (paragraphs 0033, 0043),
- b. Lok also discloses that the GUI components that intercept messages from the remote GUI send back responses or render other GUI components (paragraphs 0033, 0043),
- c. Lok further discloses a local interface used to manipulate a remote GUI (paragraph 0054).

Therefore, it would have been convenient to be able to capture user actions at a remote interface to a script file and then manipulate the remote interface from the local interface by re-executing the user actions captured in the script.

Claim 15: Lok and Polk disclose the method of claim 14 and Polk further discloses

- a. storing said scripting commands into a storing means (column 1, lines 63-65);
- a. inserting a command from said command language set into said storing means; and (column 1, lines 63-65); and
- b. executing said inserted stored command (column 1, lines 63-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. storing said scripting commands into a storing means;
- b. inserting a command from said command language set into said storing means;
and
- c. executing said inserted stored command.

to Lok and Polk. One could have been motivated to add

- a. storing said scripting commands into a storing means;
- b. inserting a command from said command language set into said storing means;
and
- c. executing said inserted stored command.

to Lok and Polk because

- a. Lok discloses user actions performed on a remote GUI causing messages to be sent to a local computer where the messages are "captured" (paragraphs 0033, 0043),
- b. Lok also discloses that the GUI components that intercept messages from the remote GUI send back responses or render other GUI components (paragraphs 0033, 0043),

- c. Lok further discloses a local interface used to manipulate a remote GUI (paragraph 0054).

Therefore, it would have been convenient to be able to capture user actions at a remote interface to a script file and then manipulate the remote interface from the local interface by re-executing the user actions captured in the script.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
4/8/08

/Ba Huynh/

Primary Examiner, Art Unit 2179